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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

FAB INDUSTRIES, INC., SSJJJ
MANUFACTURING, LLC, FAB INDUSTRIES
CORP., STEVEN MYERS, and BETH MYERS,

Defendants.

Adv. Pro. No. 10-04359 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants SSJJJ Manufacturing, LLC, Fab Industries Corp., Steven Myers, and Beth Myers (the “Defendants”)¹, by and through their counsel, Sills Cummis & Gross P.C. (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 30, 2010, the Trustee commenced this adversary proceeding against the Defendants.
2. On January 20, 2012, the Defendants filed Defendants SSJJJ Manufacturing, LLC, Fab Industries Corp., Steven Myers and Beth Myers’ Answer to Complaint with Affirmative Defenses and Jury Demand.
3. On February 10, 2012, the Trustee filed the Amended Complaint.
4. On February 24, 2012, the Defendants filed Defendants SSJJJ Manufacturing, LLC, Fab Industries Corp., Steven Myers and Beth Myers’ Answer to Amended Complaint with Affirmative Defenses and Jury Demand.
5. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), made applicable to this matter pursuant to Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants.
6. The provisions of this Stipulation shall be binding upon and shall inure to the

¹ SSJJJ Manufacturing, LLC purchased the assets and assumed the liabilities of defendant FAB Industries, Inc. Accordingly, no answer to the Complaint or Amended Complaint was filed in the name of FAB Industries, Inc.

benefit of the Parties and their respective successors and assigns and upon all creditors and parties in interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: July 22, 2015

BAKER & HOSTETLER LLP

By: /s/ Marc E. Hirschfield
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Madoff Investment Securities LLC and the
Estate of Bernard L. Madoff*

SILLS CUMMIS & GROSS P.C.

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*Attorney for Defendants SSJJJ
Manufacturing, LLC, Fab Industries
Corp., Steven Myers, and Beth Myers*

SO ORDERED

Dated: July 22nd, 2015

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE